DEPARTMENT OF CORRECTIONS
THE GREAT SEAL OF THE STATE OF MONTANA
ORO -Y- PLATA
PUBLIC SAFETY & TRUST

POLICY UNIT STANDARD OPERATIONS PROCEDURE GUIDE

STAFF SERVICES DIVISION

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POLICY UNIT STANDARD OPERATIONS PROCEDURE GUIDE
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I. INTRODUCTION TO DEPARTMENT OF CORRECTIONS POLICY

A. Department Policy at a Glance

The Department of Corrections (herein, the “Department”) develops and manages policy to meet statutory obligations, promote professionalism, and ensure operational compliance and consistency in fulfilling the purpose and mission of the Department. Department policy is designed to adhere to federal and state law, guidelines outlined in the Montana Operations Manual, and follow the best practices established by national correctional entities.

The purpose of Department policy is to create an overarching guide that empowers the divisions, facilities, and programs in creating specific operational procedures (OPs) custom-made for unique complexities and needs. Divisions, facilities, and programs will write OPs in accordance with Department policy to provide legal protection, comply with state and federal mandates and national correctional association practices, and to ensure the Department is operating with a cohesive mission.

Department policies communicate important goals to the public and provide remedies to potential or actual liabilities within the Department.

B. Department Policy Unit

The Department Policy Unit is a designated policy specialist within the Staff Services Division. The Policy Unit, Adrianne Landreth, may be reached at:
alandreth2@mt.gov
406-444-1680
5 South Last Chance Gulch, Helena, MT 59620-1301

Responsibilities of the Department Policy Unit include, but are not limited to:
- responding to the policy needs of the Department and public;
- publishing important information to the Department Internet and Intranet pages;
- relating information to administrative personnel for dissemination to staff;
- updating Department policies in an annual review process;
- answering policy information requests from other state or federal agencies;
- revising policies as requested by staff; and
- assisting with the development of facility/program based OPs.

II. OVERVIEW OF DEPARTMENT POLICY

A. Access

1. Unrestricted

Department policies will be accessible to the public in accordance with *Montana Code Annotated Title 2, Section 6. Public Records,* unless public access to policies creates a direct security threat to personnel or the safe operation of a facility/program.

Unrestricted policies are available to the public and published on the Montana Department of Corrections Internet page cor.mt.gov at Department Policies immediately upon revision. In addition, a "Policy News Page" will be updated providing summaries and links to recently revised policies.

Unrestricted policies are available to Department employees on the Department Intranet page cor.mine.mt.gov in addition to the public access Internet page.

2. Restricted

Department policies may be restricted from the public based on a legitimate penological interest. The Department must be able to articulate exactly how public knowledge of a policy may compromise the safety, security, good order, or administration of a facility or program. Restricted policies are designated as such after a legal review and consensus from SMEs.

Restricted policies are designated as restricted by "Restricted Distribution" watermarks in the body of the policy and the acronym "RD" placed in red font next to the title. These policies are available to Department employees on the Department Intranet but not published on the Internet.

OPs and policy attachments may be restricted from public access when a Department policy is designated as unrestricted; OPs and attachments often contain specific information that may pose a greater threat than the general information provided in a policy.

B. Organization

1. Chapters

Policies are organized within five chapters based on content. The five chapters include:

1. Administration and Management
2. Physical Plant
3. Facility/Program Operations
4. Facility/Program Services
5. Offender Programs

Each of the five policy chapters are broken into subsections organized by policy content. All policy chapters are listed with subsections in the Policy Index.

III. POLICY AND OPERATIONAL PROCEDURE FORMAT GUIDELINES

A. Introduction

Format guidelines bring uniformity in appearance to all Department policies and local operational procedures.

OPs will be written according to the Operational Procedure Format. OPs will reflect a titling and numbering system consistent with Department policy. The policy unit specialist must approve any deviation from standard formats, titles, or numbering prior to publication.

The Department Policy Template provides a sample format for staff to follow while offering revisions or suggesting a Department policy. Use of this format ensures consistency on style, margins, and spacing and assures that text revisions can be made interchangeably and efficiently. The following specifications for a standard policy outline will be used for all policies:

B. Basic Formatting

Department policies and OPs will follow a standard outline format including the following rules:

- Upon revision, a policy will reflect the revision date on the first page heading of the policy.
- Text will be Times New Roman font, size 12.
- Organization will be labeled by icons included in the *Department Policy Template* such as: I., A., 1., a., 1), i., etc.
- Major headings will follow Roman numerals in bold, capital letters.
- Secondary headings will follow capital letters in bold.
- Paragraph body will be single-spaced.
- A double space will be inserted between each paragraph, font size 8.
- Terms itemized under DEFINITIONS will be formatted according to the following:
    - underlined followed by a space and dash prior to definition;
    - language will be specific, clear, and concise;
    - standard definitions listed in the Department's Glossary of Terms will be used to the extent possible; and
    - definitions will be listed alphabetically.
- References will be italicized.

C. Organization and Content

The policy body outline is organized by sections with specific purpose and content. Guidelines pertaining to each section include:

I. POLICY

Each Department policy will contain an introductory statement of philosophy and purpose. Examples of policy statements may be found in the *American Correctional Association Manual: Guidelines for the Development of Policies & Procedures (1991).*

II. APPLICABILITY

This section provides guidance as to which divisions, facilities, programs, or combination thereof will be required to adhere to the policy. Unless an exception exists, the Applicability portion will state "All divisions, facilities, and programs Department-owned and contracted, as specified in contract."

III. DEFINITIONS

Standard definitions will be used to the extent possible. A Glossary of Terms provides guidance for terms to be used in operational procedures. The Glossary of Terms will be available on the Intranet and upon request at all times.

IV. DEPARTMENT DIRECTIVES

The guiding standards provided by the policy will be stated within this section. Directives will be written in outline style to provide clear and concise communication of standards.

Directives will be written in an “active voice” providing guidance and delineating authority between administrators, designated individuals, and staff.

Requirements outlined by a policy will be written using terms such as: will, must, and may. Terms “will,” “will not,” “must,” or “must not,” communicate that requirements are mandatory. “May” is a permissive term that allows for discretion.

V. CLOSING

The standard closing statement will begin, “Questions concerning this policy should be directed to” followed by an administrator, or designee, ultimately responsible for the content of the policy.

VI. REFERENCES

References will include citation for content that provided guidance in the development of a policy.

Policies designed to adhere to Montana Code Annotated, Federal law, case law, or the Montana Operations Manual will cite the applicable statutes or policies in the References section.

When a policy has been designed to comply with the American Correctional Association, National Commission on Correctional Health Care, or other identified best practices, they will be cited.

VII. ATTACHMENTS

The Attachments section is designated for forms, additional information, or flowcharts relevant to a policy; content will be hyperlinked into the body of the policy and available on the Intranet Policy/Forms Page.

IV. POLICY DEVELOPMENT PROCESS

A. Developing Policies

There are four basic reasons for development of policies:

1. Operational Needs – policies and procedures ensure fundamental processes are consistent.
2. Risk Management - policies and procedures are a control and oversight tool to manage risk.
3. Continuous improvement – policies and procedures improve current practices through annual reviews and important internal communication practices.
4. Compliance – well-defined and documented processes demonstrate an effective internal control system that complies with regulations and standards.

1. Development of New Additions

The development process begins with research and consultation with SMEs and administrative staff and ends with a concise addition to the Department policy system.

a. Research

Preliminary research includes inquiries and requests to state correctional agencies within the northwest region, research may be expanded to include all other states. Research often includes identifying effective processes used in other states, using national agency standards archetypes, and identifying similar processes within the private industry. State correctional agencies publish many policies through public I0nternet pages in accordance with the Freedom of Information Act.

b. Draft

When preliminary research concludes, a policy is drafted by the Policy Unit for review by SMEs representing divisions, facilities, or programs that may be directly affected by the policy.

Input from SMEs often result in a revised draft of the new policy. When a final draft is complete, the new policy will be submitted for a general review.

c. General Review

The general review will be sent via email to the distribution lists: Policy Distribution List, COR Management Team, and COR Management Team Other. Recipients will be provided a minimum of ten (10) business days to review the material and submit suggestions.

When a ten business day period concludes and significant and necessary suggestions have been submitted, a draft representing the recommended changes will be made. The Policy Unit may re-submit the draft in the next month's General Review or move forward with the Legal Review at the Unit's discretion on a case-by-case basis based on the significance of the revision from the previously submitted draft.

d. Legal Review

At the conclusion of the General Review, the Unit will submit the new policy via email to dkoch@mt.gov for legal review; a minimum of ten (10) business days will be provided to present feedback.

e. Director Review and Signature

The final draft, once a legal review has been completed, will be summarized in a Policy Unit Memorandum and submitted to the Director for appraisal and signature.

New policy additions will be published upon receiving signature and approval by the Director. Upon receipt of the Director's signature, a policy will be published on the Department Policies Index and Policy News Pages on the Internet and Intranet.

B. Review Processes

1. Annual Review Process

The Department of Corrections completes an annual review of policies in accordance with national best practices and American Correctional Association recommendations. A SME review and input from employees throughout the Department allow for flexible policies that meet the individual needs of each division, facility, and program while providing necessary guidance.

Each year the Department Policy Unit creates and publishes an annual review schedule outlining the months in which policies will be reviewed. The annual review schedule is published on the Intranet as well as distributed via email to the Policy Distribution List. Department policy reviews subsequently result in division, facility, or program OP reviews. The Annual Policy Review Flowchart illustrates the following process.

Department administrators and staff may utilize the Policy Review Guidelines as a resource for guidance to ensure the efficient execution of the annual review.

a. Policy Unit manages monthly scheduled reviews

Each month the Policy Unit notifies the Policy Distribution List of the policies under review for the current month. A minimum of ten (10) business days is provided for the annual review and the deadline falls on the fifteenth (15th) of the coming month. The individuals included in the Policy Distribution List are responsible for disseminating the policy review information out to SMEs and other applicable staff at the local division, facility, or program. Feedback may be submitted via email, telephone, fax, or in person.

b. SMEs provide feedback within ten days

SMEs are responsible for providing feedback or requesting an extension to the Policy Unit within the period provided. The Policy Unit will grant an extension period to those individuals who have been unable to provide revision suggestions upon request.

Feedback and language suggestions are recorded and maintained in order to ensure that all recommendations are considered and provided a response.

c. Draft necessary changes

After the fifteenth day of the month has passed and the ten business day period has concluded, if no extension has been requested for a policy and no feedback was received, the policy will be scheduled for review in twelve months and no changes will be made. When no changes are required, the Intranet chapter page will be updated to reflect the most current review date.

If the policy requires unsubstantial formatting, grammar, or reference updates, a policy publication will take place immediately without additional review or signature from the Director. After publication, the Intranet chapter page will be updated to reflect the most current review date.

When a ten business day period concludes and significant and necessary suggestions have been submitted, a draft with the recommended changes will be created and prepared for general review. When necessary, the Policy Unit will confer with the SME requesting changes to ensure that the draft reflects recommendations accurately.

d. Completed draft is submitted for ten day General Review

The Policy Unit will submit significant policy changes to the Policy Distribution List for a minimum of ten (10) business days for General Review. The deadline for feedback is the fourteenth (14th) of the current month.

The General Review notification email will include:

- a list of the revised policies with a summary of changes for each policy;
- drafts will be attached with tracked changes, unless changes are so numerous that a clean draft will ensure better review;
- if a clean draft is attached, a draft with tracked changes will be offered upon request; and
- revised attachments will be included.

When a ten business day period concludes and significant and necessary suggestions have been submitted, a draft representing the recommended changes will be made. The Policy Unit may re-submit the draft in the next month’s General Review or move forward with the Legal Review at the Policy Unit’s discretion on a case-by-case basis based upon the significance of changes reflected in the most recent draft.

e. Legal Review process

In order to ensure that the Department's resources are used efficiently, the Policy Unit will use the Policy/Procedure Legal Review Flowchart to determine whether a policy requires a Legal Review before submission to the Director for review and signature. If a Legal Review is clearly unnecessary, the Policy Unit may move directly to subsection (f) below. A Legal Review will be required for policies containing criteria including, but is limited to, the following elements:

- The policy is a new implementation;
- The policy draft includes substantive changes resulting in a change of meaning or intent;
- The policy is likely to result in an employee termination or severe discipline;
- The policy is likely to result in serious offender grievances; or
- The policy may require defense in court or implicates constitutional rights such as speech, religion, or due process.

When the Policy Unit determines that a policy requires a Legal Review, the reviewing attorney will be provided a ten (10) business day review period in which to express concerns or provide feedback. At the expiration of the review period, any received suggestions will be incorporated into the current draft.

f. Director's Review

The policy draft that has completed Annual Review, General Review, and Legal Review, when necessary, will be submitted to the Director for review and signature. The Policy Unit will complete a Policy Unit Memorandum prior to submission to the Director.

The Policy Unit Memorandum will list each policy submitted for the Director's review and signature including a summary of the changes that have occurred.

Any suggestions or recommendations from the Director will be immediately implemented and the policy will resubmitted for approval.

g. Finalize and Publish

Upon receipt of the Director's signature, a policy will be published on the Department Policies Index and Policy News Pages on the Internet and Intranet.

Operational procedures require update within thirty (30) business days of publishing a revised Department policy.

2. Management Team Review Process

Policy revisions will be made at the discretion of the Management Team, when necessary, without an opportunity for input by staff. The Management Team Policy Revision Flowchart illustrates the following process.

a. Drafts

When a request for policy change is submitted to the Policy Unit, revisions will be drafted in consultation from the requesting Management Team members.

b. Revisions

Once a draft is agreed upon by the requesting team members, the draft will be submitted to the Legal Unit for review according to the Legal Review Flowchart. When significant revisions are made during a policy change, a General Review may be utilized at the discretion of the Management Team prior to the Legal Review.

c. Signature and Publication

When a policy is revised with current definitions, formatting, or unsubstantial changes, a Director's signature is not required.

After a Management Team Review and Legal Review, when necessary, have been completed, the draft will be submitted to the Director for signature and approval. Upon receipt of the Director's signature, the Policy Unit will publish the policy on the Department Policies Index and Policy News Pages on the Internet and Intranet.

Operational procedures require update within thirty (30) days of publishing a revised Department policy.

3. Changes Elicited from a Work Group

Significant policy-related issues sometimes arise outside of the annual review schedule. If the Management Team has not requested an immediate change, but a policy requires significant changes prior to the annual review date, a work group may be formed by the Policy Unit. The Work Group Policy Revision Flowchart illustrates the following process.

a. Notice of formation

Facilities and programs whose operations may be affected by the requested policy change will be contacted with an opportunity to join the work group. For significant changes, an "Under Revision" icon will be placed next to the intranet policy link signaling the opportunity for staff that wishes to submit input or become involved in the work group.

b. Work Group process

The Work Group Process will allow for input from all work group members. Meetings in person or via video conferencing, online collaboration tools, or communication via email may be utilized in order to facilitate necessary discussions. Final revisions will be decided upon by a decision-making authority such as an administrator or member of the Management Team.

A General Review is not required for the Work Group Process but may be administered by the when deemed appropriate by the work group. The Policy Unit will submit the revised to Legal Review according to established criteria.

c. Legal Review process

In order to ensure that the Department's resources are used efficiently, the Policy Unit will use the Policy/Procedure Legal Review Flowchart to determine whether a policy requires a Legal Review before submission to the Director for review and signature.

d. Director Review and Signature

The final draft, once a legal review has been completed, will be summarized in a Department of Corrections Policy Unit Memorandum and submitted to the Director for appraisal and signature.

New policy additions will be published upon receiving signature and approval by the Director. Upon receipt of the Director's signature, a policy will be published on the Department Policies Index and Policy News Pages on the Internet and Intranet.

4. Union Review Process

Department policies designated as Chapter 1, Section 3: Human Resource Bureau, upon significant revision, will be submitted via email or mail to union review to include the following individuals:

a. J.C. Weingartner, Director of Member Rights, MEA/MFT
jweingartner@mea-mft.org
1232 East Sixth Ave. Helena, MT 59601
Phone: 406-442-4250 or 800-398-0826; Fax: 406-443-5081

b. Larry Nielsen
lnielsen@mea-mft.org
(Same address and phone information as above)

c. Brian Ehli
behli@mea-mft.org
(Same address and phone information as above)

d. Scott T. McCulloch
smcculloch@mea-mft.org
South Central Field Office; 510 No. 29th St. Billings, MT 59101-1190
Phone: 406-248-9820 or 800-398-0829; Fax: 406-248-2946

e. Darcy Dahle, Eastern Region Field Representative, Montana Public Employees Association
darcy.mpea@gmail.com
2711 Airport Road Helena, MT 59601
Phone: 406-671-4159 or 1-800-221-3468

f. Bill Rowe, Business Representative, LU2 – Teamsters
browe@teamsterslocal2.org
3345 Harrison Ave. Butte, MT 59702
Phone: 406-494-2747

V. REVISION PROPOSALS

A. Department Employees Requesting Revisions

A Department employee may request a revision of any policy at any time throughout the year. The Policy Unit will consider each request and may take immediate action, begin a Work Group Review Process, or file and store the information until the policy is due for annual review.

Revision requests may submitted by the Comment Policy Link located on the Intranet and Internet policy pages, Policy Comment Form, or by sending an informal message to the Policy Unit via email, phone, fax, or mail.

Each policy revision request will receive a notice of receipt and a message from the Policy Unit explaining how the information will be used, i.e. immediate revision or pending revision. If the Policy Unit is unsure of the serious nature of the revision request, additional SMEs may be contacted for insight.

B. Public or Contract Employees Requesting Revisions

The public and contract employees may request a revision of any policy at any time. Revision requests will be considered and information will either be stored or result in an immediate review.

Revision requests may be submitted by the Comment Policy Link located on the Internet, or by sending an informal message to the Policy Unit via email, phone, fax, or mail.

Each policy revision request will receive a notice of receipt.

VI. RECORD-KEEPING

A. Physical Documentation

The Policy Unit will carefully monitor, track, and record department policy changes with physical documentation.

1. DOC Master Policy Manual

Upon publication of a new policy on the Intranet and Internet, the Policy Unit will maintain the original version signed by the Department director in the DOC Master Policy Manual. The Policy Unit will add new policies to the annual review schedule for the upcoming year 12 months after implementation.

When a revised policy has been published on the Internet and Intranet, the Policy Unit will maintain the current revised version in the DOC Master Policy Manual. When unsubstantial changes have resulted due to a revision, the Policy Unit will place the policy copy with an electronic signature into the DOC Master Policy Manual. When substantial changes have resulted in a Department director signature, the Policy Unit will place the original signed policy into the DOC Master Policy Manual.

2. DOC Archived Policy Manual

When the Policy Unit replaces outdated policies in the DOC Master Policy Manual, the outdated policies will be placed in the DOC Archived Policy Manual. Policies will be mainlined in order of chapter and subsection, followed by newest to oldest version.

3. Policy Rescission

The Policy Unit will maintain a record of Department policies rescinded using the DOC Record of Policy Rescissions (Since 2005). The DOC Record of Policy Rescissions (Since 2005) is a central repository of rescinded policies records the policy number, title, and date of rescission.

The Policy Unit will complete a Notice of Rescission for each rescinded policy including policy number, title, date of rescission, and reason for rescission. The Policy Unit will submit the Notice of Rescission to the Department director for approval and signature and store the notice in the DOC Archived Policy Manual.

B. Electronic Documentation

The Policy Unit will carefully monitor, track, and record current and outdated department policies with electronic documentation using the Department I: Drive folder entitled "Archived Policy."

The Policy Unit will ensure that a copy of each current Department policy is available in Microsoft Office Word document format. Microsoft Office Word documents will be distributed, upon request, to staff and public in order to suggest policy revisions.

1. I: Drive "Archived Policy:

The Department I:Drive "Archived Policy" folder consists of the following subfolders:

- Archived forms and attachments

- Archived policy management documents
- Chapter 1
- Chapter 2
- Chapter 3
- Chapter 4
- Chapter 5
- Organization Charts
- Rescission Records – since 2002
- Standard Operating Procedures and Manuals
- Tables of Contents

A subfolder exists for each currently active or rescinded Department policy within the corresponding chapter folder. When a new policy is implemented, the Policy Unit will create a subfolder within the corresponding chapter in which to document future revisions. Current Department policies will be stored in the appropriate subfolders and revised policies will be immediately stored following implementation.

The Policy Unit will store electronic copies of each Notice of Rescission in the appropriate policy folder as well as the "Rescission Records" folder.

The Policy Unit will store electronic copies of each rescinded or revised Department form or attachment in the appropriate corresponding policy as well as the "Archived Forms and Attachments" folder

VII. IMPLEMENTATION PROCESS

A. Intranet

The Policy Unit will publish new policy additions, policy revisions, and policy revision dates immediately upon completion of a review cycle or receipt of the Director's signature on the Department's Policies and Forms Intranet page.

Significant changes resulting from a policy revision and information regarding new policy additions or policy rescissions will be outlined for Department staff on the Intranet's "Policy News" page; changes from previous months will be documented and hyperlinked into the Policy News page for later review.

It is the responsibility of Department administrators and employees to ensure regular review of the Department Policy News Intranet page for information regarding policy changes. Division, facility, and program OPs must be updated within thirty (30) days of the publishing date of a Department policy, when necessary, to comply with updated Department requirements.

B. Internet

The Policy Unit will publish new policy additions and policy revisions immediately upon completion of a review cycle or receipt of the Director’s signature on the Department’s Departmental Policies Internet page.

Significant changes resulting from a policy revision and information regarding new policy additions or policy rescissions will be outlined for the public on the Internet’s “Policy News” page for six months.